## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

February 14, 2001 LB 574

construction, the way this is written, whether we're talking just the biometric identifiers or whether we're also talking the digital signature, but I'm going to take the less conservative view for the purposes of this discussion and say it applies to all three--the digital picture, the digital signature, and the biometric identifiers. And I think we're presented with an interesting issue. If you have...first of all, Senator Kristensen mentioned it just once but I want to make certain it's understood, over my years of service here I've heard over and over about how we sell and release for commercial reasons and maybe for others databases and database information. Now, I understand this is a new era. We've got to update and do things, but I think we want to make sure that our law is entirely adequate and protective as we do. But just taking the words at face value that it can be released to "law enforcement agency for law enforcement purposes", then my signature can be released, my digital signature can be released enforcement without any sort of a notice and hearing or the like, any kind of an adversary proceeding. And then, as I was standing here waiting my turn, I began to think if you have my signature, which you're authorized to have, but I didn't authorize it, if somebody uses it is that forgery or not? Is that an unauthorized use or not? Is that a crime or not you're entitled to have it, but I didn't authorize it, and you use it? And I'm simply trying to identify technical issues that I see as we go forward, as it may relate to how we do our enforcement, how we enforce our Criminal Code, how we protect citizen information and rights of privacy and the like. And...and when I read the bill I...I do not feel like we are being zealous enough and concerned enough about these very modern techniques and methodologies and the possible misuse, criminal misuse, or simply a misuse in violation of due process that might be involved. And while I would...I...I'm not trying to be an overwhelming obstacle to the bill, I'm...these are things I'd like to be satisfied on certainly before Select File. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Senator Kristensen, on advancement of LB 574.

SPEAKER KRISTENSEN: Thank you, Mr. President. Members of the